

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE REFCO, INC. SECURITIES LITIGATION : 05 Civ. 8626 (GEL)  
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**NOTICE OF MOTION FOR CLASS  
CERTIFICATION PURSUANT TO FED. R. CIV. P. 23**

PLEASE TAKE NOTICE that upon Plaintiff's Memorandum Of Law In Support of Motion For Class Certification, the Affidavit of Stephen J. Fearon, Jr., the Class Action Complaint and all other pleadings on file, plaintiff will move this Court on February 3, 2006 at 3:00 p.m. for an order pursuant to Rule 23, certifying plaintiff as a class representative of the Class defined in the Complaint consisting of Plaintiff and all other persons who traded currencies through, or had currency trading accounts with, Refco F/X Associates, LLC from August 11, 2005 continuing through the present, and who have been damaged.

The movant is American Financial Group-Asia, LLC, the Plaintiff in Case No. 05 cv 8988 which this Court consolidated into this Master Action (05 cv 8626) by order dated December 20, 2005.

Papers opposing this motion, if any, shall be submitted in accordance with the schedule set by the Court and/or in accordance with the Federal Rules of Civil Procedure.

Dated: January 20, 2006

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Attorneys for Plaintiff

**AFFIDAVIT OF SERVICE**

Cathy Simpson, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and reside in New York County.
2. On January 20, 2006, I served the: NOTICE OF MOTION FOR CLASS CERTIFICATION PURSUANT TO FED. R. CIV. P. 23; PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR CLASS CERTIFICATION AND ENTRY OF PRE-TRIAL ORDER FOR THE CUSTOMER CLASS ACTIONS; [PROPOSED] CLASS CERTIFICATION ORDER; [PROPOSED] ORDER ESTABLISHING CERTAIN PRE-TRIAL PROCEDURES FOR THE CUSTOMER CLASS ACTIONS; and AFFIDAVIT OF STEPHEN J. FEARON, JR. IN SUPPORT OF MOTION FOR CLASS CERTIFICATION AND ENTRY OF PRE-TRIAL ORDER FOR THE CUSTOMER CLASS ACTIONS upon the following counsel by depositing a true copy of the same enclosed in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York or as otherwise indicated:

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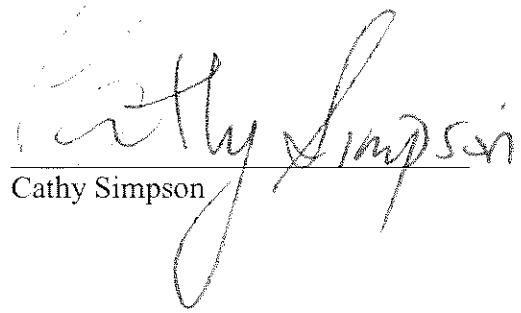
Refco, Inc.  
One World Financial Center  
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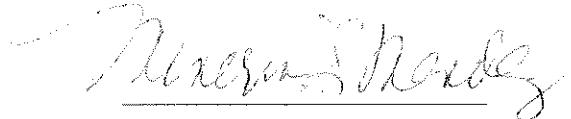
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Sworn to before me this  
20th day of January 2006

  
\_\_\_\_\_  
Cathy Simpson

  
\_\_\_\_\_  
MINERVA S. MENDEZ  
Notary Public, State of New York  
No. 01ME5052043  
Qualified in Bronx County  
Commission Expires November 13, 2005 - 2009